

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**STANLEY WILLIAMS,**

Petitioner,

v.

**S.W. ORNOSKI, Warden, San Quentin  
State Prison, San Quentin, California,**

Respondent.

**MOTION TO STRIKE PETITION FOR REHEARING WITH  
SUGGESTION FOR REHEARING EN BANC**

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Petitioner Stanley Williams is scheduled to be executed at 12:01 a.m. tomorrow, December 13, 2005. Earlier today, this Court rejected his request to file a second or successive petition. Petitioner has moved this court for rehearing en banc. Pursuant to 28 U.S.C. § 2244(b)(3)(E), “The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.” Petitioner’s motion is thus out of order, and must be stricken.

## CONCLUSION

Respondent asks that the Petitioner's Motion for Rehearing En Banc be stricken.

Dated: December 12, 2005

Respectfully submitted,

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